

REMARKS

Prior to submission of this amendment, claims 1, 6, 8, 9, 10, 25-20 21-30, 34, 36-40, 43-49, 51, 52-57 were pending in the application. Applicants have canceled claims 10, 15-20 and 54-55. Claims 1, 6, 8, 9, 21-30, 34, 36-40, 43-49, 51, 52-53 and 56-57 are now pending. Applicants have amended claims 1, 21, 34, 52 and 53 to recite the gene CTSL. Support for this amendment can be found in original claim 1 and in the specification at, for example, paragraph [0010]. Claim 22 was amended to recite CTSL. Support for this amendment can be found in original claim 22. Claim 24 was amended to recite a method of predicting the likelihood of long-term survival of a patient diagnosed with estrogen receptor (ER)-positive invasive breast cancer... comprising determining the levels of MYBL2. Support for this amendment can be found in original claim 22 and in the specification at, for example, paragraph [0019]. Support for the amendment to claims 56 and 57 can be found in original claim 1 and paragraph [0010].

The PTO requires the restriction of the claims in the above-identified application into one of the following two groups of claims. Group One includes claims 1, 6, 8, 9, 21-30, 34, 36-40, 43-49, 52-53, 56-57 drawn to a method of predicting the likelihood of long-term survival of breast cancer by detecting expression levels of GRB7, CD68, and MYBL2. Group Two includes claims 10, 15-20, 51, 54-55 drawn to an array comprising polynucleotides.

Applicant elects for examination the claims of Group I, claims 1, 6, 8, 9, 21-30, 34, 36-40, 43-49, 52-53, 56-57 drawn to a method of predicting the likelihood of long-term survival of breast cancer. This election is made with traverse.

Applicant believes that Claim 51 is properly included in Group One because it depends from a method claim and does not recite an array comprising polynucleotides.

Claims 1, 6, 8, 9, 21-30, 34, 36-40, 43-49, 51, 52-53 and 56-57 remain in this application. Claims 10, 15-20 and 54-55 have been canceled, without prejudice to filing a continuation/division application directed to the non-elected subject matter. In addition, the amendments to the claims presented above are being made without prejudice to filing a continuation/division application directed to the non-elected subject matter.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **08-1641** referencing Attorney's Docket No: 39740-0008A.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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